

| DIST/OFFICE | DOCKET | | FILING DATE | | | J | N/S | O | R | R 23 | \$ | DEMAND OTHER | JUDGE NUMBER | JURY DEM | DOCKET | |
|-------------|--------|--------|-------------|-----|------|---|-----|---|---|---------|----|-----------------|-----------------|-------------|--------|--------|
| | YR. | NUMBER | MO. | DAY | YEAR | | | | | | | | | | YR. | NUMBER |
| 1085/4 | 76 | 0122 | 3 | 23 | 76 | 3 | 862 | 1 | | | | | 8509 | | 76 | 0122-B |

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| PLAINTIFFS | DEFENDANTS |
| VIRGIL HONEYCUTT | SECRETARY OF DEPARTMENT OF HEALTH, EDUCATION & WELFARE, SOCIAL SECURITY ADMINISTRATION, U.S.A. |

CAUSE

Appeal from action of Appeals Council, Department of Health, Education & welfare, Social Security Administration. Claimant applied for benefits under the Federal Coal Mine Health and Safety Act of 1969 as amended (Title 20 CFR) (Title 30 U.S.C.). Claimant takes the position that the administrative Law Judge and Appeals Council erroneously construed provisions of Title 20 CFR 410.490(b)(1)(3).

ATTORNEYS

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| R. J. Childers 512 Mayo Building Tulsa, Oklahoma 74103 | Nathan G. Graham, U. S. Atty. Robert P. Santee, Asst. U.S.Atty |
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|---|-------------------------|----------------|-------------|--------------------------|-------------|
| <input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS | FILING FEES PAID | | | STATISTICAL CARDS | |
| | DATE | RECEIPT NUMBER | C.D. NUMBER | CARD | DATE MAILED |
| | | | | JS-5 | 4-1-76 |
| | | | | JS-6 | 6-1-77 |
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| DATE | NR. | PROCEEDINGS | |
|---------|-----|--|---------|
| 3-23-76 | 1 | Complaint filed. Summons issued.t | |
| 3-24 | 2 | Summons & Complaint, ret & filed: Served USA by serving USDA for ND of Ok. at Tulsa, OK, and by serving Atty. General, Washington, D.C. by cert. mail on 3-24-76; Served Sec. of HEW, Social Security by serving same by cert. mail.(USM \$6.00)ph | |
| 4-2 | 2 | Motion for Summary Judgment, filed by pltf.t | |
| 4-2 | 3 | Brf in support of Summary Judgment, filed.t | |
| 4-5 | MO | It is ordered by the Ct. that Deft. is granted 10 days from this dt. to respond to Pltf's. Motion for Judgment.(AEB-J)t cps mld. | |
| 4-12 | 4. | Response to pltf's motion for judgment, filed. lm | |
| 4-12 | MO | Case referred to Mag. Morris L. Bradford for F&R re pltf's mot. for S/J and deft's response thereto. (AEB-J)k | |
| 5-17 | 5 | Deft HEW Mot. for Enlargement of time within which to answer, filed.t0-J | |
| 5-19 | 6. | Order, filed, granting deft. til 7-22-76 to plead or answer. (AEB-J)k | cps mld |
| 5-25 | 7. | Ans. of Deft. Sec. of Dept. of Health & Education, filed.s | |
| 6-4 | 8. | Order, filed, overruling pltf's mot. for S/J. (AEB-J)k | cps mld |
| 6-22 | MO | Parties are directed to hold PT conf. on or before 8-5-76 & file PT Order on or before 8-11-76. (AEB-J)s cps by cert ml | |
| 8-9 | 9. | Pre-trial Order, filed. (AEB-J)k | |
| 10-7 | MO | It is ordered by the Court that the Plaintiff and Defendant file simultaneous briefs within fifteen (15) days in support of their positions in the above case.s (AEB-J) cps. mld. | |
| 10-18 | 10 | Pltf's Brief, filed. lm | |
| 10-19 | 11 | Memorandum in support of deft's position of affirmance of Secretary's decision, filed.s | |
| 10-22 | 12. | Pltf's appl. for 20 days to respond to deft's brief, filed.k 0 to J | |
| 11-2 | 13. | Order, filed, granting pltf. until 11-11-76 to respond to deft's brief.s (AEB-J) cps. mld. | |
| 11-3 | 14. | Pltf's reply brief in response to brief of deft. filed 10-19-76, filed.s | cps |
| 1977 | | | |
| 5-2 | 15. | Findings of Fact and Conclusions of Law, filed & entered. (AEB-J)k | mld |
| 5-2 | 16. | Judgment, filed & entered, in favor of the deft. and against the pltf. (AEB-J)k | cps mld |
| 5-10 | 17 | Pltf. mot. for rehearing..fld. ho | |
| 5-10 | 18 | Pltf. brief in supp. of mot. for rehearing. fld. ho | |
| 5-10 | MO | It is ordered by the Ct. that the Deft. file a responsive brief w/in 10 days to Pltf. not. for rehearing. (AEB-J) cps mld. ho | |
| 5-11 | 19 | Pltf. amended brief in supp. of mot. for rehearing. fld. ho | |
| 5-19 | 20 | Defts. response to Pltf's mot. for rehearing. fld. ho | |
| 5-24 | 21 | Order, filed, Overruling Pltf's motion for rehearing.(AEB-J)b cps mld | |
| 7-21 | 22 | Pltf. appl. to proceed w/out prepayment of costs, affid. in supp. and order. fld. ho 0 to J. | |
| 7-21 | 23 | Pltf. affid. of financial status. fld. ho | |
| 7-21 | 24 | Pltf. notice of appeal. fld. ho (copies to counsel and USCA) | |
| 7-29 | 25 | Order, filed, granting pltf. leave to appeal in f.p.(AEB-J)rm-copies to counsel and USCA | |

CIVIL DOCKET CONTINUATION SHEET

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| PLAINTIFF | | DEFENDANT | DOCKET NO. _____ PAGE ____ OF ____ PAGES |
| DATE | NR. | PROCEEDINGS | |
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